

In virtual Court

CRM-M-2473-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2473-2021 (O&M)

Date of decision: 09.02.2021

Shaveta Sethi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Kamal Narula, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.112 dated 01.12.2018 under Sections 420, 465, 467, 471, 120-B IPC, registered at Police Station Vairoke, District Fazilka.

Learned counsel for the petitioner submits that the petitioner is a housewife and she is involved in this case because her husband Shalinder Sethi

(since arrested) is main accused, against whom there are allegations of obtaining the payment in cash for procuring the job for the victims. As per allegations in the FIR, Rs.1.00 lac has been deposited by Balvir Singh, father of the complainant. It is further submitted that allegation regarding the remaining amount is in cash and it is a matter of trial whether the amount was paid or not.

In response to a query put on 19.01.2021, learned counsel for the petitioner has submitted that FIR No.58 dated 15.06.2018 stands compromised, in which the petitioner has paid the amount to victim Mukhtiar Chand and he has already filed an affidavit (Annexure P-6) and husband of the petitioner is going to file a petition praying for quashing of FIR No.58 on the basis of compromise. In FIR No.75 dated 20.07.2018, entire allegations are against her husband and there is no allegation against the petitioner. In FIR No.185 dated 15.11.2018, allegations are that the petitioner has issued a cheque of Rs.16.00 lacs favouring complainant Narayan Chand, which was dishonoured.

It is further submitted that signatures on the cheque are apparently forged, as the petitioner has placed on record photocopy of the same as well as her standard signatures, which are available in the bank and it is a matter of investigation to find out who has forged the same. Learned counsel has submitted that he has instructions from the petitioner to say that she will deposit an amount of Rs.5.00 lacs with the Illaqa Magistrate, to be kept in an FDR subject to final outcome of the case, within a period of two months from today, without prejudice to her right of defence and she may be granted the concession of anticipatory bail.

Learned State counsel, assisted by learned counsel for the complainant and on the basis of affidavit of SHO, Police Station Vairoke, District Fazilka has, however, opposed the prayer for bail on the ground that one of the co-accused Surinder Kumar Sharma, who is neighbour of the complainant, has already been granted the concession of anticipatory bail, as he acted as a middle man of husband of the petitioner and the victims, who have paid Rs.5.00 lacs each for procuring the Govt. job.

A perusal of the affidavit shows that an amount of Rs.3.00 lacs was deposited by Balvir Singh in the account of Surinder Kumar Sharma, Rs.1.00 lac in account of the petitioner and Rs.21.00 lacs were paid in cash to the accused on different dates. It is further stated in the affidavit that husband of the petitioner Shalinder Sethi is in judicial custody and if the petitioner is granted the concession of anticipatory bail, she may abscond from the Court proceedings. It is also stated that aforesaid FIR No.185 stands cancelled against the petitioner on 01.12.2020.

After hearing learned counsel for the parties and going through affidavit of the Investigating Officer and also in view of the voluntary statement made by learned counsel for the petitioner that the petitioner, without prejudice to her right of defence, will deposit Rs.5.00 lacs with the Illaqa Magistrate within a period of two months from today, this petition is allowed and the petitioner is granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The petitioner is directed to deposit an amount of Rs.5.00 lacs with

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the Illaqa Magistrate/trial Court on or before 19.04.2021, to be kept in an FDR subject to final outcome of the case and without prejudice to her right of defence, failing which this petition will be deemed to be dismissed without any further orders.

**[ARVIND SINGH SANGWAN]
JUDGE**

09.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No